

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance
(916) 322-5662

• • Administration • •
322-5660

• • Executive/Legal • •
322-5901

• • Enforcement • •
322-6441

• • Statements of Economic Interest • •
322-6444

March 2, 1984

Charles R. Hart, Jr.
Rhodes, Maloney, Hart, Mullen,
Jackle & Harding
919 Santa Monica Blvd., Third Floor
P.O. Box 1069
Santa Monica, CA 90406-1069

Re: Your Request for Advice
Your File No. A5622.12
Our File No. A-84-016

Dear Mr. Hart:

Your letter requesting advice concerning the provisions of the Political Reform Act was referred to us by the Secretary of State's office. You asked whether there are any statutes or regulations which define the persons who may be solicited by a state political action committee. More specifically, you stated that the committee you represent wishes to hold an action, open to the general public, to raise funds.

The Political Reform Act requires the disclosure of campaign contributions and expenditures by committees.^{1/} In addition, there are some prohibitions which apply in the campaign area. See Sections 84300-84308. However, unlike the federal law, there are no restrictions on whom committees may solicit for contributions. Accordingly, the committee you represent may solicit funds from the general public.

^{1/} The Political Reform Act is contained in Government Code Sections 81000-91012. The campaign reporting provisions begin at Section 84100. All statutory references are to the California Government Code.

Charles R. Hart, Jr.
March 2, 1984
Page 2

For your information, I have enclosed a copy of our Guide for Candidates and Treasurers which contains information concerning the proper reporting of donations made for an auction. If I can be of further assistance, please feel free to contact me at (916) 322-6444.

Sincerely,



Diane Maura Fishburn
Staff Counsel
Legal Division

DMF:plh
Enclosure

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TO WHOM IT MAY CONCERN:

This letter was directed to the Secretary of State in error, I believe. I called Mr. Hart and told him it should have been directed to the FPPC, Legal Division. I offered to forward it, and here it is.

Thanks very much.....



MARIAN ASH, PRD
Secry of State's Office

Rhodes, Maloney, Hart, Mullen

Jakle & Harding
A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

HOWARD W. RHODES
J. WILLIAM MALONEY
CHARLES R. HART, JR.
DENNIS M. MULLEN
JOHN B. JAKLE
CHRISTOPHER M. HARDING

KEITH A. LOVENDOSKY
GREGORY J. KHOUGAZ
MARK GARRETT

January 24, 1984

RECEIVED
AND FILED
In the office of the Secretary of State
of the State of California

JAN 27 1984

MARCH FONG EU, Secretary of State

THIRD FLOOR
919 SANTA MONICA BOULEVARD
POST OFFICE BOX 1069

Santa Monica, California 90406-1069

(213) 393-0174 • 870-1500 *393 0174*

CITY OF COMMERCE

Los Angeles, California

(213) 723-6311 • 722-3662

REPLY TO: Santa Monica

OUR FILE NO. A5622.12

Secretary of State
Political Reform Division
P. O. Box 1467
Sacramento, CA 95807

Dear Sirs:

Our firm represents a nonprofit organization which has formed a political action committee and has filed a Statement of Organization with the California Secretary of State. They have not however filed under federal law and do not intend to engage in any activities which would require them to do so. They wish to hold an auction, open to the general public, to raise funds for the committee. It is our understanding that federal law, in particular, FEC Regulations 114.5(i) and (j) and 1147, prohibit a political action committee or its connected organization from soliciting any person other than a member of the organization, its executive and administrative personnel and their families. While these regulations would not apply to our client, we are concerned that similar state statutes and regulations may exist which limit the persons who may be solicited by a state PAC.

We have written this letter to request a formal written opinion of your office as to whether the activities which are outlined above would violate any provision of the Political Reform Act of 1974 as amended or any other state law or regulation. Thank you in advance for your response to our inquiry.

Sincerely,

RHODES, MALONEY, HART, MULLEN,
JAKLE & HARDING

Charles R. Hart, Jr.
CHARLES R. HART, JR.

CRH:mee

State of California



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Technical Assistance • • Administration • • Executive/Legal • • Enforcement • • Statements of Economic Interest
(916) 322-5542 322-5650 322-5901 322-6441 322-6445

February 3, 1984

Charles R. Hart, Jr.
Rhodes, Maloney, Hart, Mullen,
Jakle & Harding
P.O. Box 1069
Santa Monica, CA 90406-1069

Re: A-84-016

Dear Mr. Hart:

Your letter requesting advice under the Political Reform Act has been referred to Diane Maura Fishburn, an attorney in the Legal Division of the Fair Political Practices Commission. If you have any questions about your advice request, you may contact this attorney directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,

Barbara A. Milman
Barbara A. Milman
General Counsel

BAM:plh